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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/756,555	01/13/2004	Paul C. Belvedere	33233.3	2676
32300	7590	05/17/2007		
BRIGGS AND MORGAN P.A. 2200 IDS CENTER 80 SOUTH 8TH ST MINNEAPOLIS, MN 55402			EXAMINER CHEUNG, VICTOR	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 05/17/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/756,555

**Applicant(s)**

BELVEDERE, PAUL C.

**Examiner**

Victor Cheung

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. Remarks/Arguments filed on 08/08/2006 have been received.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayka (US Patent No. 5,688,118) in view of Hon (US Patent No. 4,360,345) and Neustadter (US Patent No. 4,902,232).

Re Claim 1: Hayka discloses a personal dental education kit for teaching new and advanced dental preparation and restorative procedures comprising audiovisual demonstration materials showing an actual dentition problem, procedures for preparation of the dentition and procedures for the dentition restoration (Col. 12, Lines 10-17, 63-64) and a dental model of the problem dentition for the preparation and restorative procedures (Fig. 3). Hayka additionally teaches the education kit including dental instruments for creating cavities (Col. 8, Lines 37-45) and that the kit comprises selectable parameters for simulating cavity fillings (Col. 12, Table 1).

However, Hayka does not specifically disclose the kit including a hard copy of printed instructions on how to use the kit and steps to accomplish discipline in the advanced dental

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procedure, a dental filling material for the restorative procedure on the prepared dentition, and dental instruments for placement control and shaping of the dental filling material in the restorative procedure.

Hon teaches an interactive medical education kit for teaching medical procedures, comprising a printer to print out directions (Col. 7, Lines 61-63).

Neustadter teaches a dental training model that dental students may perform dental skills such as drilling teeth and filling cavities (Col. 1, Lines 23-24). In a system where students are performing the skill of filling cavities of a dental training model, it is inherent of the system to comprise dental filling material and instruments for filling the cavity.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the demonstration materials in the form of hard copy instructions in order to provide instructions for a student. It would have been obvious to include filling material and instruments for the restorative dental procedures so that the student who is practicing on the dental model can practice filling the cavity as well as preparing the cavity in Hayka.

Re Claims 2 and 6: Hayka, as modified by Winstead et al., teach the limitations of claim 1 as discussed above.

Hayka additionally discloses the apparatus further comprising a self-evaluation test (Col. 13, lines 5-7). Hayka does not specifically disclose that the test is for fulfilling licensure and academic standing.

However, it has been discussed in the previous office action, dated 04/04/2006, that the feature of providing a test for the purpose of licensure and academic standing is old and well known

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in the art. The official notice of the well known feature was not traversed and is taken to be admitted prior art.

Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a test for the purpose of licensure and academic standing in order to enforce minimum standards required in medical procedures.

Re Claims 3 and 7: Hayka additionally discloses the audiovisual demonstration materials are pictures, illustrations, and audio (Col. 12, Lines 10-17, 63-65).

Re Claims 4-5 and 8-9: Hayka additionally discloses a second model of prepared dentition and a third model of restored dentition (Col. 12, Lines 10-30, 61-63).

Re Claim 10: Hayka, as modified by Hon and Neustadter, teach the personal dental education kit as discussed above and described in the claim, lines 1-4.

Hayka discloses a method comprising intermittently watching audiovisual materials in steps (Col. 12, Lines 63-65), performing the preparation procedure step on the dental model (Col. 12, Lines 54-56), and taking a self evaluation test (Col. 13, Lines 4-7). (See also Col. 12, Line 10-Col. 13, Line 15).

However, Hayka does not specifically disclose reviewing printed instructions or performing a restoration procedure step on the prepared dental model.

Hon teaches printing out instructions for the student (Col. 7, Lines 61-63).

Neustadter teaches performing the restoration procedure on the prepared dental model (Col. 1, Lines 23-24).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to review printed instructions so that the user is correctly using the dental kit and correctly performing the procedures, and to perform the restoration procedure step on the prepared dental model, thereby providing the user practice and procedural techniques in the restorative procedure.

### ***Response to Arguments***

4. Applicant's arguments, see pages 2-3, filed 08/08/2006, with respect to the rejection(s) of claims 1-10 under 35 U.S.C. 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Hayka (US Patent No. 5,688,118), Hon (US Patent No. 4,360,345), and Neustadter (US Patent No. 4,902,232).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Hoye (USPN 5,232,370) discloses a dental teaching apparatus including dental filling material and dental instruments for using the dental filling material.
- Winstead et al. (USPN 6,206,192) teach a restorative dental kit including hard copy instructions, dental filling material, and dental instruments for use with the dental filling material.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Cheung whose telephone number is (571) 270-1349. The examiner can normally be reached on Mon-Thurs, 8-4:30, and every other Fri, 8-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

VC

Victor Cheung  
May 3, 2007



Kathleen Mosser  
Primary Examiner  
Art Unit 3714